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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/526,198

10/24/2005

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AT 020057

7066

7590

02/12/2007

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EXAMINER

ALIE, GHASSEM

ART UNIT

PAPER NUMBER

3724

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|-----------|---------------|
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3 MONTHS

02/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | | |
|------------------------------|-------------------------------|--------------------------------|--|
| Office Action Summary | Application No. 10/526,198 | Applicant(s) KOSTNER ET AL. | |
| | Examiner Ghassem Alie | Art Unit 3724 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4 is/are rejected.
- 7) ☒ Claim(s) 3,5 and 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/12/06</u> | 6) <input type="checkbox"/> Other: _____ |

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, at least one drivable toothed blade set forth in claim 4 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because contains legal phraseology often used in patent claims such as "means". See MPEP § 608.01(b).

4. The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet apart from any other text.

5. The disclosure is objected to because of the following informalities"

The specification does not contain section headings. It should be noted that each section of the specification should have section headings. Each heading should appear in upper case, without underlining or bold type. See arrangement and contain of the specification in MPEP 601 (I).

In page 7, lines 10-11, "the tool holder 43 and the cutting unit 46 to be mounted to be pivotable likewise about the axis of pivot 26" is suggested to read --the tool holder 43 and the cutting unit 46 to be mounted and pivotable about the axis of pivot 26--.

In page 7, lines 27-29, "the loading means 55 are formed by spring means, the loading means 55, i.e. the spring means, being formed by a spring 55 of a U-shaped configuration" is objected to because "the loading means and the spring means have the same

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reference number. It should be noted that reference number "55" cannot be assigned to both "a loading means" and "a spring means". Appropriate correction is required.

Claim Objections

6. Claim 1-3 are objected to because of the following informalities: in claim 1, lines 3-4, "wherein the head part (3) is connected to the main part (2) in the said region (5) of the main part (2)" should read --wherein the head part (3) is connected to the main part (2) in the region (5) of the main part (2)--. In claim 1, lines 7 and 9-10, "by means of the loading means (55)" should be --by loading means (55)--.

In claim 2, lines 1-2, "the loading means (55) are formed by spring means (55)" should be --the loading means (55) are formed by spring means--.

In claim 3, lines 1-5, "the loading means (55) are formed by a spring (55) of a U-shaped configuration that is connected to the main part (3) in the region of its cross-member (56) and that co-operates with at least one positioning extension (59) connected to the main part (2) in the region of each of its two sides (57,58)" should read --the loading means (55) are formed by the spring means which has a U-shaped configuration, the U-shaped spring means has a cross-member connected to the main part (3) and two sides (57,58) co-operating with at least one positioning extension (59) connected to the main part (2)--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Oswald et al. (6,301,786), hereinafter Oswald. Regarding claim 1, Oswald teaches a personal apparatus 1 having a main part 2, 6 and a head part 3. It should be noted that the base part 2 and the part 6 which is located between the head part 3 and the base part 2 are defined as a main part. See Fig. 3 in Oswald. Oswald also teaches that the main part 2, 6 is designed to be held in one hand and has a region 6 adjacent the head part 3. Oswald also teaches that the head part 3 is connected to the main part 2, 6 in the region 6 of the main part that is adjacent the head part. Oswald also teaches that the head part 3 is pivotable relative to the main part 2, 6 about an axis of pivot 8. Oswald also teaches a personal care tool is provided on the head part 3. The blades of the electric dry shaver are defined as a personal care tool. Oswald also teaches loading means 17 acting between the main part 2, 6 and the head part 3 are provided. Oswald also teaches that the head part 3 is pivotable by the loading means 17 in synchronization with varying displacement forces that act on the head part 3 in the course of a personal care process. Oswald also teaches that the head part 3 can be positioned by loading means 17 in a defined rest position relative to the main part 2, 6 when there are no displacing forces present. See col. 2, lines 16-49 and Figs. 3-8 in Oswald.

Regarding claim 2, Oswald teaches everything noted above including that the loading means 17 are formed by spring means.

9. Claims 1-2 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Coffman (1,359,031). Regarding claim 1, Coffman teaches a personal apparatus having a main part 1, 10 and a head part 12. It should be noted that the main body 1 and the yoke 10 of the hair

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clipper define the main part. See Fig. 1 in Coffman. Coffman also teaches that the main part 1, 10 is designed to be held in one hand and has a region 10 adjacent the head part 12.

Coffman also teaches that the head part 12 is connected to the main part 1, 10 in the region 10 of the main part that is adjacent the head part. Coffman also teaches that the head part 12 is pivotable relative to the main part 1, 10 about an axis of pivot 13. Coffman also teaches a personal care tool 23, 24 is provided on the head part 12. Coffman also teaches loading means 16 acting between the main part 1, 10 and the head part 12 are provided. It should be noted that the loading means 16 also includes a portion that is connected to the screw 20 and another portion that is attached to one arm of the yoke 10. Therefore, the loading means consists of different parts that are provided and acting between the main part 1, 10 and the head part 12. Coffman also teaches that the head part 12 is pivotable by the loading means 16 in synchronization with varying displacement forces that act on the head part 12 in the course of a personal care process. It should be noted that that the head part 12 rocks on the pivot 13 against the action of the spring or the loading means 16. See page 1, lines 51-64 in Coffman. Coffman also teaches that the head part 12 can be positioned by loading means 16 in a defined rest position relative to the main part when there are no displacing forces present.

Regarding claim 2, Coffman teaches everything noted above including that the loading means 15 are formed by spring means.

Regarding claim 4, Coffman teaches everything noted above including that the personal care apparatus is a hair trimmer, and wherein the personal care tool 23, 24 is formed by a toothed cutting mechanism that has at least one drivable toothed blade 23.

Allowable Subject Matter

10. Claims 3 and 5-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art does not teach that the cross-member of the U-shaped spring is connected to the main part and the two sides of the U-shaped spring co-operate with at least one positioning extension connected to the main part, as set forth in claim 3. The prior art also fails to teach that the motor, which is provided to drive the drivable toothed blade, is accommodated in the head part, as set forth in claim 5. The prior art also fails to teach that the axis of pivot extends substantially parallel to the direction of the projection of the main part from the hand, as set forth in claim 6.

Regarding claim 5, Eichhorn teaches a motor 2 is provided to drive the drivable toothed blade 4, and wherein the motor 2 is accommodated in the head part. It should be noted that the top portion of the electrical drive element 2, which is considered to be a motor, is located in the head part. See Fig. 5 in Eichhorn. However, Eichhorn does not teach that the head part 2, 7 is pivotable by means of loading means 9, 10 in synchronization with varying displacing forces that act on the head part 2, 7 in the course of a personal care process.

It should be noted that the head part is defined by the frame 7 and the electric drive element 2 which is secured to the frame 7 and pivots with frame 7 about an pivot axis 8. See Fig. 5 in Eichhorn. The head 2, 7 pivots or oscillates about the oscillating axis 8 by oscillatory motion of the electric drive member 2 in the direction A and B. However, there is no evidence that the head part 2, 7 in Eichhorn could pivot in synchronization with varying displacing forces that act on the head part 2, 7 in the course of a personal use.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Coggins et al. (2,768,438), Yamada et al. (3,797,109), Eichhorn et al. (6,357,117), Abraham et al. (2002/0162226 A1), Pahl (4,922,608), Leventhal (7,103,980), Wolf et al. (4,930,217), Melton (5,579,581), Fung (2002/0092178 A1), Holzbauer et al. (5,979,060), Chaouachi et al. (6,279,234), and Beutel et al. (2002/0000043 A1) teach a personal care apparatus having a pivoting head.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (571) 272-4501. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

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applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, SEE <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ghassem Alie
Patent Examiner
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A handwritten signature in cursive script that reads "Ghassem Alie".

February 4, 2007